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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,906	02/09/2006	Hideki Yoshinaga	00684.003583.	2927
5514 7590 08/06/2008 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER				
CHOW, YUK				
ART UNIT		PAPER NUMBER		
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08/06/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/529,906

Applicant(s)

YOSHINAGA ET AL.

Examiner

YUK CHOW

Art Unit

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3 and 5-8 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1, 3, and 5-8 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/CIS)
Paper No(s)/Mail Date 01/08/2008
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3 and 5-8 are rejected under 35 U.S.C. 102(b) as being anticipated by More et al.(US 5,194,852).

As to **claim 1**, More discloses a driving method of a display apparatus, comprising:

a first drawing step (Fig. 10A(Step 406-410)) of displaying an image by controlling a display medium (Fig. 4C(29)) on the basis of a signal from first image creation means, and

a second drawing step (Fig. 10A(Step 412-422)) of overwriting a handwritten image on the displayed image by controlling the display medium on the basis of a signal from second image creation means (see Col. 49 lines 35-66),

wherein in said first drawing step, an image is drawn by a reset drive for resetting a previous display image and a writing drive for writing an image (see Col. 49 lines 15-34), and in said second drawing step, the writing drive of a substantially minimum or a substantially maximum luminance is performed without effecting the reset drive only in an area (Fig. 3A(18)) in which the handwritten image is written. (see Col. 13 line 65-Col. 14 line 52)

As to **claim 3**, More discloses a method according to Claim 1, wherein said method further comprises

a third drawing step of erasing the handwritten image by leaving only the image written in said first drawing step, wherein the writing drive is performed without effecting the reset drive (see Fig. 10C, restore document area to original state).

As to **claim 5**, More discloses a method according to Claim 1, wherein the display apparatus comprises

electrodes (Fig. 4C(35) to which voltages are applied from the first image creation means and the second image creation means, respectively, and the display medium (Fig. 4C(29)) for displaying an image on the basis of the voltages.

As to **claim 6**, More discloses a method according to Claim 1, wherein the display apparatus comprises a pair of substrates disposed with a predetermined spacing, an insulating liquid disposed at the spacing between the substrate, and electrophoretic particles as the display medium (see Fig. 4C(29) and Col. 2 line 45).

As to **claim 7**, More discloses a driving method of a display apparatus which permits handwriting input and has a memory characteristic, said driving method comprising:

a first drawing step (Fig. 10A(Step 406-410)) of displaying an image which has been memorized in advance, and

a second drawing step (Fig. 10A(Step 412-422)) of displaying a handwritten image by overwriting the displayed image with the handwritten image (see Col. 49 lines 35-66),

wherein in said first drawing step, an image is drawn by a reset drive for resetting a previous display image and a writing drive for writing an image (see Col. 49 lines 15-34), and in said second drawing step, the writing drive of a minimum or a maximum luminance is performed without effecting the reset drive only in an area in which the handwritten image is written. (see Col. 13 line 65-Col. 14 line 52)

As to **claim 8**, More discloses a display apparatus, which permits handwriting input and has a memory characteristic, comprising:

detection means for detecting handwriting input (Fig. 10A(402)), and
drive means for effecting a first drive (Fig. 10A(Step 406-410)) in which an image is rewritten by applying a writing voltage after resetting a previous display image when the handwriting input is not detected , and a second drive (Fig. 10A(Step 412-422)) in which a previous display image is overwritten with a handwriting image by applying only a writing voltage of a minimum or a maximum luminance without effecting resetting only in an area in which the handwriting input is detected (see Col. 13 line 65-Col. 14 line 52).

Response to Arguments

3. Applicant's arguments with respect to claims 1,3 and 5-8 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YUK CHOW whose telephone number is (571)270-1544. The examiner can normally be reached on 8-6 M-TH E.T..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amare Mengistu can be reached on 571 272-7674. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2629

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Y. C./

Examiner, Art Unit 2629

/Amare Mengistu/

Supervisory Patent Examiner, Art Unit 2629